

Date

Darien Brown
407 Underwood Street
Farmerville, Louisiana 71241

Re: Ethics Board Docket No. 2020-688

Dear Mr. Brown:

The Louisiana Board of Ethics, at its December 4, 2020 meeting, considered your request for an advisory opinion as to whether you may be employed by Union General Hospital after serving on the board of the East Union Hospital Service District.

FACTS PROVIDED

You recently served on the board of the East Union Hospital Service District (“EUHSD”), with your service on such board terminating in August 2020. Union General Hospital, Inc. (“UGH”) would like to employ you as security detail. Since the execution of a cooperative endeavor agreement in 1983, as amended and restated on September 8, 2010 (the “CEA”), EUHSD has ceded authority and jurisdiction over the hospital to UGH, and EUHSD has no decision-making authority with respect to operational matters over UGH, including employment matters.

LAWS

La. R.S. 42:1102(3) defines “agency head” to mean the chief executive or administrative officer of an agency or any member of a board or commission who exercises supervision over the agency.

La. R.S. 42:1121(A)(1) provides that no former agency head or elected official shall, for a period of two years following the termination of his public service as the head of such agency or as an elected public official serving in such agency, assist another person, for compensation, in a transaction, or in an appearance in connection with a transaction, involving that former agency or render any service on a contractual basis to or for such agency.

ANALYSIS

As a former board member of EUHSD, you are considered a former agency head of EUHSD. You would accordingly be prohibited from assisting UGH in connection with a transaction involving EUHSD. As UGH and EUHSD are parties to the CEA, EUHSD is involved in an ongoing transaction with UGH of which your potential employment would be a part.

CONCLUSION

The Board concluded, and instructed me to inform you that your employment as security detail by UGH would be a violation of La. R.S. 42:1121(A)(1).

This advisory opinion is based solely on the facts as set forth herein. Changes to the facts as presented may result in a different application of the provisions of the Code of Ethics. The Board issues no opinion as to past conduct or as to laws other than the Code of Governmental Ethics. If you have any questions, please contact me at (800) 842-6630 or (225) 219-5600.

Sincerely,

LOUISIANA BOARD OF ETHICS

Charles E. Reeves, Jr.
For the Board

DISCLAIMER
No party may rely on the facts or conclusions. The analysis and conclusions herein are provided for discussion purposes only, and are subject to change or revision at the meeting of the Board of Ethics at which this matter is considered.